

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALONTE FOARD,

Defendant.

8:20-CR-333

**ORDER ON MOTION TO CONTINUE
SENTENCING HEARING**

This matter is before the Court on defendant Dalonte Foard's Motion to Continue Sentencing Hearing. [Filing 223](#). In the Motion, defense counsel states that his client's detainment, his client's transfer to different detention facilities, and the distance between counsel's location and these facilities, has made him unable to sufficiently confer with his client to prepare for sentencing. [Filing 223 at 2](#). The Motion requests a continuance of thirty days. [Filing 223 at 3](#). The Motion further states that the Government objects to the Motion, asserting the interests of one of the victims to resolve the matter expeditiously. [Filing 223 at 3](#).

"District courts have broad discretion when ruling on requests for continuances." [United States v. Jones](#), 643 F.3d 275, 277 (8th Cir. 2011). A motion to continue sentencing requires a compelling reason. *See id.* The Court concludes that under the particular facts and circumstances of this case Foard has met this standard, but barely so. Given the number of issues at sentencing, the potential significant guideline range, and defense counsel's representation that he has not been able to sufficiently confer with his client, the Court will grant the continuance. *Cf. United States v. Keiser*, 578 F.3d 897, 901 (8th Cir. 2009) (outlining that whether counsel has had sufficient time to prepare was relevant to ruling on a motion to continue trial). Moreover, this is the first time Foard has requested a continuance of the sentencing hearing, and only minimal delay will result.

See *United States v. Johnson*, 12 F.3d 1103 (unpublished) (characterizing thirty days as “a minimal time to continue the sentencing hearing”).

That being said, the Court is not inclined to grant further continuances in this case unless due to its own schedule. This case has been pending since December of 2020. Generally, continuances are disfavored, see *United States v. Snelson*, 555 F.3d 681, 686 (8th Cir. 2009), and applicable rules require the court to “impose sentence without unnecessary delay.” *Fed. R. Crim. P. 32(b)(1)*. The Court also acknowledges the Government’s interest in resolving this case. Accordingly,

IT IS ORDERED:

1. Dalonte Foard’s Motion to Continue Sentencing Hearing, [Filing 223](#), is granted; and
2. Sentencing is continued to May 24, 2023, at 1:30 p.m., in Courtroom 5, Roman L.

Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE.

Dated this 13th day of April, 2023.

BY THE COURT:

s/ Brian C. Buescher
United States District Judge